IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18953 of 2004

Between:

A.P. Power Generation Corporation Limited, rep by its Deputy Secretary(Legal) Vidyut Soudha, Hyderabad.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner & Officer-In-Charge,

Employees Provident Fund Organization, Office of the Asst. Provident Fund Commissioner, 1/30, R.S. Road, Kadapa.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the 7-A Proceedings No. AP/SRO/CDP/ENF/CDP/25561/RTPP/2004, dated 22-9-2004 passed by the Respondent as illegal and unenforceable, consequently direct the Respondent to enforce the attendance of all the Contractors, verify the Records, Identify the beneficiary workers, examine them and determine the liability of the "Independent Job Work Firms/Agencies/Contractors" to whom the summons were issued under Section 7-A, and exhaust them in the first instance, and then only fix the liability of the petitioner, if any, after due notice, and pass

Counsel for the Petitioner: SMT.K.SESHARAJYAM, Advocate.

Counsel for the Respondent No.: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court made the following :

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Oral Order:

It is needless to say that the assessing authority has to summon the contractors whose names are furnished by the principal employer, namely petitioner herein. The proceedings dated 22-09-2004 do indicate that the counsel appeared on the date of hearing and requested time to submit the required documents and matter is adjourned to 05-11-2004 for enquiry.

In view of the same, it cannot be presumed that the respondents will fix the responsibility on the petitioner without summoning and examining the contractors who engaged the employees to execute the works.

The writ petition is premature and it is accordingly dismissed. No costs.

_____ A.GOPAL REDDY, J.

14-10-2004

Murthy

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Assistant Provident Fund Commissioner & Officer-In-Charge,

Employees Provident Fund Organization, Office of the Asst. Provident Fund

Commissioner, 1/30, R.S. Road, Kadapa.

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